

## IN THE U.S. DISTRICT COURT FOR NEBRASKA

RYSTA LEONA SUSMAN, BOTH	)	CASE NO. CI 8:18-CV-00127
INDIVIDUALLY AND AS NATURAL	)	
MOTHER OF SHANE ALLEN	)	
LOVELAND, A PROTECTED PERSON,	)	<b>MOTION TO INTERVENE FOR</b>
SHANE ALLEN LOVELAND, A	)	<b>PURPOSES OF MODIFYING THE</b>
PROTECTED PERSON BY AND	)	<b>EXISTING PROTECTIVE ORDER AND</b>
THROUGH HIS TEMPORARY	)	<b>CONSOLIDATING DISCOVERY THE</b>
GUARDIAN AND CONSERVATOR, JOHN	)	<b>BELOW CAPTIONED STATE ACTION</b>
SAUDER, and JACOB SUMMERS,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
THE GOODYEAR TIRE & RUBBER	)	
COMPANY,	)	
	)	
Defendant.	)	

To assist the Court in more efficiently addressing the parties' discovery dispute(s), the parties shall meet and confer, and jointly complete the following chart. The purpose of this chart is to succinctly state each party's position and the last compromise offered when the parties met and conferred. The fully completed chart shall be e-mailed to chambers at [basis@ned.uscourts.gov](mailto:basis@ned.uscourts.gov).

The moving party is: An intervenor, Kearney Towing & Repair Center Inc. ("Kearney"), seeking to modify the protective order in this case to facilitate efficient, noncumulative and nonduplicative discovery in a related negligent tire installation case filed by Plaintiffs to this action against Kearney in the District Court for Buffalo County Nebraska. The two cases involve common questions of fact in that

they revolve around the same auto accident and same allegedly defective tire that allegedly caused the incident. The two cases involve common questions of law because Plaintiffs claim against Goodyear is a product liability case alleging both strict and negligent product liability related to the production and sale of the allegedly defective tire. Plaintiffs claim against Kearney is a negligence claim based upon an alleged faulty inspection of the tire and failure to detect the defect prior to installing the tire that was allegedly involved in the same incident.

The responding party is: Plaintiffs and Defendants

**Note:** If discovery from both parties is at issue, provide a separate sheet for each moving party.

Discovery Request at Issue	Relevant to prove...	Moving Party's Initial Position	Responding Party's Initial Position	Moving Party's Last Offered Compromise	Responding Party's Last Offered Compromise	Court's Ruling
Modification of the Protection Order so as to prevent cumulative and duplicative depositions of Kearney's employees and representatives in these two cases that involve common	Goodyear is defending the case filed against it by Plaintiffs based upon the allegation that Kearney should not have installed the tire that is the subject of both these litigations on the pickup that is the subject of both these litigations and	These cases involve common questions of fact and law. Rule 26 allows for a court to limit discovery to avoid cumulative or duplicative discovery.				

questions of law and fact.	allegedly resulting in the accident that is the subject of both these litigations. It is alleged by Goodyear that the tire was beyond its useful life due to its age. Plaintiffs lawsuit against Kearney asserts the same allegations against Kearney, claiming Kearney was negligent in inspecting and installing the subject tire that was too old to be useful.					
Modification of the Protection Order so that parties to this litigation can produce documentation from this litigation in response to written discovery requests and a subpoena issued by Kearney to Plaintiffs and Defendants in the Kearney case.	All claims and defenses asserted by Plaintiffs in the case they filed against Kearney Towing and Repair Center, Inc.	The Protective Order should be modified so as to allow materials generated for this litigation to be produced in the related and substantially similar litigation filed by Plaintiffs against Kearney Towing & Repair Center, Inc.				

Moving Party: Kearney Towing & Repair Center, Inc.,  
Intervenor.


Counsel for [Plaintiff]: \_\_\_\_\_

Counsel for [Defendant]: \_\_\_\_\_

Date: [Click here to enter a date..](#)